

CV 13

5155

UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK

THOMAS E. PEREZ, Secretary of Labor,  
United States Department of Labor,

Plaintiff,

v.

THOMAS ANDREADAKIS, Individually;  
LEONIDAS ANDREADAKIS, Individually;  
HELEN ANDREADAKIS, Individually;  
DANICA GROUP LLC; COPPER PLUMBING  
& HEATING LLC; COPPER II PLUMBING &  
HEATING LLC; and COPPER III PLUMBING  
& HEATING LLC,

Defendants.

Civil Action No.

COMPLAINT

MAUSKOPF J.

LEVY, M.J.

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.  
★ SEP 16 2013 ★  
BROOKLYN OFFICE

Plaintiff, THOMAS E. PEREZ, Secretary of Labor, United States Department of Labor, brings this action under Sections 16(c) and 17 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 201, et seq.) ("the Act"), alleging that Defendants violated sections 6, 7, 11(c), 15(a)(2), and 15(a)(5) of the Act.

I.

Jurisdiction of this action is conferred upon the Court by Section 17 of the Act and 28 U.S.C. Sections 1331 and 1345.

II.

Venue is proper in this District because a substantial part of the events or omissions giving rise to the claims herein occurred in this District.

III.

Defendant DANICA GROUP LLC is a limited liability company organized under the laws of the State of New York having its principal office and place of business at 10-01 37<sup>th</sup> Ave. Long Island City, NY, 11101, within the jurisdiction of this court, where it is engaged in the business of providing plumbing, heating, ventilation and related installation and services, including at commercial and residential properties in New York City.

IV.

Defendant COPPER PLUMBING & HEATING LLC is a limited liability company organized under the laws of the State of New York having its principal office and place of business at 10-01 37<sup>th</sup> Ave. Long Island City, NY, 11101, within the jurisdiction of this court, where it is engaged in the business of providing plumbing, heating, ventilation and related installation and services, including at commercial and residential properties in New York City.

V.

Defendant COPPER II PLUMBING & HEATING LLC is a limited liability company organized under the laws of the State of New York having its principal office and place of business at 10-01 37<sup>th</sup> Ave. Long Island City, NY, 11101, within the jurisdiction of this court, where it is engaged in the business of providing plumbing, heating, ventilation and related installation and services, including at commercial and residential properties in New York City.

VI.

Defendant COPPER III PLUMBING & HEATING LLC is a limited liability company organized under the laws of the State of New York having its principal office and place of business at 10-01 37<sup>th</sup> Ave., Long Island City, New York, 11101, within the jurisdiction of this court, where it is engaged in the business of providing plumbing, heating, ventilation and related

installation and services, including at commercial and residential properties in New York City.

VII.

The defendant businesses referenced in paragraphs III through VI above have regulated the employment of all persons employed by them, acted directly and indirectly in the companies' interest in relation to the employees, and thus are employers of the employees within the meaning of Section 3(d) of the Act.

VIII.

Defendant THOMAS ANDREADAKIS, who maintains a place of business at 10-01 37<sup>th</sup> Ave., Long Island City, New York, 11101, within the jurisdiction of this court, is the sole owner of defendant DANICA GROUP LLC, and is in active control and management of all of the defendant businesses referenced in paragraphs III through VI above. Defendant THOMAS ANDREADAKIS has authority to hire, fire, supervise, set the hours and compensation of employees, and otherwise has acted directly and indirectly in the interests of all of the defendant businesses referenced in paragraphs III through VI above in relation to the employees, and is thus an employer of the employees within the meaning of section 3(d) of the Act.

IX.

Defendant LEONIDAS ANDREADAKIS, who maintains a place of business at 10-01 37<sup>th</sup> Ave., Long Island City, New York, 11101, within the jurisdiction of this court, is an owner of defendants COPPER PLUMBING & HEATING LLC, COPPER II PLUMBING & HEATING LLC, and COPPER III PLUMBING & HEATING LLC, and is in active control and management of all of the defendant businesses referenced in paragraphs III through VI above. Defendant LEONIDAS ANDREADAKIS has authority to hire, fire, supervise, set the hours and compensation of employees, and otherwise has acted directly and indirectly in the interests of all

of the defendant businesses referenced in paragraphs III through VI above in relation to the employees, and is thus an employer of the employees within the meaning of section 3(d) of the Act.

X.

Defendant HELEN ANDREADAKIS, who maintains a place of business at 10-01 37<sup>th</sup> Ave., Long Island City, New York, 11101, within the jurisdiction of this court, is an owner of defendants COPPER PLUMBING & HEATING LLC, COPPER II PLUMBING & HEATING LLC, and COPPER III PLUMBING & HEATING LLC, and is in active control and management of all of the defendant businesses referenced in paragraphs III through VI above. Defendant HELEN ANDREADAKIS has authority to sign paychecks, and otherwise has acted directly and indirectly in the interests of all of the defendant businesses referenced in paragraphs III through VI above in relation to the employees, and is thus an employer of the employees within the meaning of section 3(d) of the Act.

XI.

The business activities of Defendants, as described, are related and performed through unified operation or common control for a common business purpose and constitute an enterprise within the meaning of Section 3(r) of the Act. Defendants share employees and a single office location, and act in concert together in the business of providing plumbing, heating, ventilation and related installation and services, including at commercial and residential properties in New York City. Employees of Defendants have been paid by more than one of the defendant businesses referenced in paragraphs III through VI above, in various combinations, and some employees have been paid by all four of the defendant businesses. The defendant businesses referenced in paragraphs III through VI above have common and centralized operational

management and ownership in whole or in part, including by individual defendants Thomas Andreadakis, Leonidas Andreadakis, and Helen Andreadakis.

XII.

Defendants have employed employees in and about their places of business in the activities of an enterprise engaged in commerce or in the production of goods for commerce, including employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce. These goods include but are not limited to metal pipes, tubes, and other plumbing and HVAC materials. The enterprise has had an annual gross volume of sales made or business done in an amount not less than \$500,000 (and for at least one year, in excess of \$18 million) for the period covered by this Complaint. Therefore, the employees are employed in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1)(A) of the Act.

XIII.

Defendants willfully and repeatedly have violated the provisions of sections 6 and 15(a)(2) of the Act by paying many of their employees employed in an enterprise engaged in commerce or in the production of goods for commerce at rates less than the applicable statutory minimum wage prescribed in section 6 of the Act, specifically, for example, by failing to promptly pay employees any wages for entire days or weeks of work; for many employees in some workweeks, Defendants failed to pay the employees on their regular pay day, and to the extent such employees did receive any pay for those workweeks, Defendants did not pay the employees until up to several weeks after their regular pay day. Therefore, Defendants are liable for any unpaid minimum wages and an equal amount in liquidated damages under section 16(c) of the Act or, in the event liquidated damages are not awarded, unpaid minimum wages and

prejudgment interest on said unpaid minimum wages under section 17 of the Act.

XIV.

Defendants willfully and repeatedly have violated the provisions of sections 7 and 15(a)(2) of the Act by employing at least 264 of their employees in an enterprise engaged in commerce or in the production of goods for commerce, for workweeks longer than those prescribed in section 7 of the Act without compensating the employees for their employment in excess of the prescribed hours at rates not less than one and one-half times the regular rates at which they were employed. Defendants compensated employees at regular hourly rates for all hours that employees worked in a workweek, often for workweeks in excess of 44 hours. Defendants did not pay any additional premiums of one and one-half employees' regular rates for hours worked by employees in excess of 40 in a workweek. Defendants' failures to pay overtime premium compensation included, but were not limited to:

- (1) paying many employees by two checks for workweeks in which the employees worked in excess of 40 hours: a payroll check for the first 40 hours of work that week, paid at the employees' regular hourly rates; and a separate check drawn from a "petty cash account" for hours worked in excess of 40 that week, also paid at the employees' regular hourly rates;
- (2) improperly misclassifying at least 25 employees as independent contractors, and paying those employees a weekly paycheck whereby the employees were paid the same regular hourly rate for their first 40 hours of work that week as for the hours worked in excess of 40 that week.

Therefore, Defendants are liable for unpaid overtime compensation and an equal amount in liquidated damages under section 16(c) of the Act or, in the event liquidated damages are not

awarded, unpaid overtime compensation and prejudgment interest on said unpaid overtime compensation under section 17 of the Act.

XV.

Defendants willfully and repeatedly have violated the provisions of sections 11(c) and 15(a)(5) of the Act, in that Defendants failed to make, keep, and preserve adequate and accurate records of their employees and of the wages, hours, and other conditions of employment which they maintained as prescribed by the Regulations issued and found at 29 CFR Part 516; more specifically, Defendants failed to keep adequate and accurate records of their employees' actual daily and weekly hours of work, rate of pay, and total weekly overtime payments.

XVI.

Defendants' actions as described herein have been willful. For example, Defendants attempted to simulate compliance with the Act and conceal their failure to pay overtime premium compensation, by paying employees for hours worked in excess of 40 per week via separate checks from a "petty cash account" that are not reflected in Defendants' payroll records. Moreover, during the Secretary's investigation of Defendants that commenced in 2012, Defendants provided to the Secretary's representatives only the payroll records reflecting employees having worked 40 hours or less per week. Furthermore, defendants Thomas Andreadakis and Danica Group LLC were previously investigated by the Secretary in 2009, as a result of which investigation the Secretary's representatives determined that defendant Danica Group LLC had violated the recordkeeping requirements of the Act; the Secretary's representatives informed defendants Thomas Andreadakis and Danica Group LLC in 2009 (through their representative at that time) about the overtime pay and recordkeeping requirements of the Act.

XVII.

Defendants willfully and repeatedly have violated the provisions of the Act as alleged above since at least September 10, 2010.

WHEREFORE, cause having been shown, Plaintiff prays for judgment against Defendants providing the following relief:

(1) For an injunction issued pursuant to Section 17 of the Act permanently restraining Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with Defendants, from violating the provisions of Sections 6, 7, 11(c), 15(a)(2), and 15(a)(5) of the Act; and

(2) For an order pursuant to Section 16(c) of the Act finding Defendants liable for unpaid minimum wage and overtime compensation found due Defendants' employees listed on the attached Exhibit A and an equal amount of liquidated damages (additional minimum wage and overtime compensation and liquidated damages may be owed to certain employees presently unknown to Plaintiff for the period covered by this Complaint); or

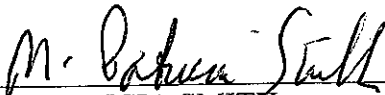
(3) In the event liquidated damages are not awarded, for an injunction issued pursuant to Section 17 of the Act restraining Defendants, their officers, agents, employees, and those persons in active concert or participation with Defendants, from withholding the amount of unpaid minimum wage and overtime compensation found due Defendants' employees and prejudgment interest computed at the underpayment rate established by the Secretary of Treasury pursuant to 26 U.S.C. § 6621;

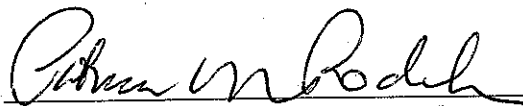
(4) For an order awarding Plaintiff the costs of this action; and



(5) For an order granting such other and further relief as may be necessary and appropriate.

DATED: September 11, 2013  
New York, New York

  
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Regional Solicitor

  
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**EXHIBIT A**

JOSE	ACOSTA
BENNY	ADAMS
RICHARD	ADAMS
NEZIR	ALIJA
SALEH	AL-JAHMI
ADEL	AL-JAHMI
ERVIN	ALLUSHI
NATHANIEL	ALSTON
JAHAN	ALTON
RENNY	ALVARES
ALEXANDRO	ALVAREZ
HENRY	ALVAREZ
LUIS	ALVAREZ
ANTONIOS	ANAGNOSTOPOULOS
GERMAN	ANDRADA
KEION	ANDREWS
FLORIN	ANTON
MATTHEW	ARELLANO
JOSE	ARRIETA
FRANCISCO	AYALA
ORLANDO	AYURE
DAN	BABUCI
ALEX	BALLESTEROS
JUAN	BALLESTEROS
WALFORD	BARRETT
MARCOS	BATISTA
KEVIN	BENJAMIN
KOFI	BOATENG
AUGUSTO	BONILLA
JORGE	BONILLA
JOSHUA	BORJAS
ANTONIOS	BOUZOUKOS
CORRIE	BRATHWAITE
GENARO	BRAVO
VICTOR	BRAVO
MARTIN	BRITO
EDWIN	BROWN
ALEJANDRO	BUFFA
WALTER	BUFFA
LUIS	CABUCO

RODRIGO	CABUCO
ANGEL	CACERES
OLVIN	CACERES
FRANK	CALABRIA
MAURICIO ALONSO	CAMPOS
SAMMYS	CANIZARES
CARLOS	CASCO
ALLAN	CASILDO
JULIO	CERVANTES
DANIEL	CEPEDES
ADRIAN	CHALCO
HOLGUER	CHANCHICOCHA
WALTER	CHAVEZ
ALFREDO	CHAY
CLAUDIO	COBOS
JULIO	CRUZ
PALACIOS	CRUZ
CHAD	DACON
RAFAEL	DAVILA
ALEXANDER	DESMOINEAUX
DENNIS	DIAZ
ISRAEL	DIAZ
WILLIAM	DIAZ
EMMANUEL	DIONYSIOU
ROBERTO	DOLMO
CARMELO	DOMINGUEZ
URIEL	DOMINGUEZ
GAEL	DUBOURG
CEESAY	EBRIMA
JOAN CARLOS	ECHAVARRIA
MILLEDE	ECHAVARRIA
DIMITRIOS	ELLINIDIS
YEFIM	EPSHTEYN
AARON	ESPINOZA
GIANFRANCO	ESTRADA
ROBERTO	FELIX
OSMAN	FERMAN
PABLO	FIGUEROA
SHERWIN	FRANCIS
JUAN CARLOS	FRANCO CARILLO
LEE	FRANGOS
ENRIQUE	FUENTES
GEORGE	GARCIA

NAVID	GARCIA
DWIGHT	GAYLE
SCOTTY	GENAO
GEORGE	GIANNIKOURIS
JOSE	GOMEZ
GARY	GONSALEZ
JUAN	GONZALES JIMENEZ
GUSTAVO	GONZALEZ
MARINO	GORO
CHRISTOS	GOUNGOUDIS
ERIC	GUERRERO
EDISON	GUITY
OLVAN	GUITY
LUIS	GUZMAN
EDMIR	HAMELI
IBRAHIM	HASRETLI
JORGE	HERNANDEZ
HOBDAIR	GENC
FATJON	HOXHA
HYSEN	HOXHA
MICHAEL	IEZZI
ALFRED	ISAK
JUAN	JIMENEZ
AYANA	JORSLING
ASIF	JUMADEEN
BILL	KAKARAKIS
PANORMITIS	KAMPOURIS
ANDI	KARAPICI
HALIT	KASTRATI
PAVEL	KLEIMENOV
NIKOLAOS	KOUTSOTHANASIS
BARTIOMIEJ	KOWALCZYK
CURTIS	LABORDE
LULZIM	LAJQI
DIXON	LALIN
EVER	LEIVA
LUIS ALBERTO	LEZAMA
ROGER	LINO
MICHAEL	LIOCE
JUAN	LITUMA
KRIST	LONDO
DAVID	LOPEZ
RIGOBERTO	LUGO

OTHTMANE	MANNAOUI
GEORGE	MARANGOS
MICHAEL	MARANGOS
ZAHARIAS	MARANGOS
EXCEL	MARIN
RAFAEL	MARRERO
ANWAR	MARTINEZ
DANIEL	MARTINEZ
ELMER	MARTINEZ
FELIX	MARTINEZ
JULIO	MARTINEZ
NICHOLAS	MARTINEZ
PEDRO	MARTINEZ
SADRACH	MARTINEZ
GERMAN	MATO
RONALD	MAZARIEGOS
MARCIN	MAZUREK
STANISLAW	MAZUREK
ANDRES	MEDINA
ANTHONY	MEDINA
LESTER	MENA
WILL	MENA
TEOFILO	MENA LABORIEL
JOSEPH	MIKSA
LUKASK	MIKSA
SELVIN	MIRANDA
ALVARO	MORA
MARIO	MORALES
EURIS	MORENO
JULIAN	MORENO
RENE	MORENO
FREDDY	MOROCHO
RONALD	MURRAY
EDWIN	NARVAEZ
HECTOR	NAVARRO
PABLO	NOLASCO
MICHAEL	NORALES
ANGEL	NUNEZ
DANIEL	NUNEZ
DELMO	NUNEZ
JULIO	NUNEZ
FRANCISCO	OCHOA
OSCAR	OCHOA

FRED	OSAFO
PETER	PADELOUKAS
CARLOS	PALACCIOS
ANGELO	PALACIOS
STEPHANIE	PAPACHRISTOS
WINSTON	PASSIE
JOSE	PENA
MAHINDRA	PERSAUD
GEORGIOS	PETRAKIS
BAYRON	PONCE
PETROS	PORFYRIS
ANDRES	PULLUTACI
ANTHONY	RALF
MELVIN	RAMIREZ
JERON	RAMKHELAWAN
VIDESH	RAMPAUL
RAMESH	RAMSARRAN
CHRISTIAN	RAZO
SERGIO	REYES
DENZIL	RILEY
MAXIMO	RIVAS
ALLAN	RIVAS
RENE	RIVERA
OSCAR	ROBLEDO
MIKE	ROCHEZ
NORMAN	ROCHEZ
ARISMENDY	RODRIGUEZ
DANIEL	RODRIGUEZ
EDWARD	RODRIGUEZ
JORGE	RODRIGUEZ
LEWIS	ROLLE
ADIEL	ROMERO
ALFONSO	ROSARIO
IVAN	RUIZ
VICTOR	RUIZ
CARLOS	SAAVEDRA
ANDRES	SABILLON
MELISSAS	SAKELARIOS
GEOVANNY	SALDANA
LUIS	SALMERON
GEORGIOS	SAMOLIS
JOSE	SANDOVAL
ANASTASIOS	SAROUKOS

GEORGE	SAROUKOS
NICHOLAS	SAROUKOS
STELIOS	SAROUKOS
RICHARD	SAUNDERS
MARK	SEERAJ
ARMANDO	SEGARRA
RAFAEL	SERRANO
DIEGO	SESTA
ADRIAN	SHAHINI
MALIK	SHEPPARD
ANGELO	SIBILIO
JEFFREY	SIDERATOS
SEGUNDO	SILLAGANA
BRINDER	SINGH
NICHOLAS	SISOIS
GEORGE	SITARAS
SHERBAN	SMITH
JOSE	SOLIS
JAVIER	SOLIS
CRISTOBAL	SOP
ORVILLE	SPENCER
CARL	STADFORD
HENRYK	SZESZKO
ERJON	TAKA
JULIO	TANCHEZ
GEORGE	TILIAKOS
MARCO	TOBAR
FRANKLIN	TORRES
JOSE	TORRES
WUILLIAM	TORRES
NIKIFOROS	TSIOUMAS
EFTHYMIOS	TZIMOPOULOS
JOSE	VALDEZ
BALDOMERO	VELASCO
JEOVANY	VELASQUEZ
FELIPE	VERGARA
ALTIN	VESHO
JOSHUA	VIVEN
PANAGIOTIS	VLAHOS
SHKELZEN	VOGLI
INDRIT	VOGLI
FERDINAND	VUKAJ
EVERTON	WARREN

MIKELL  
DAINE  
VASILIS  
WILSON  
NOE  
MANUEL  
MARIO  
CARLOS  
CESAR

WELCH  
WINKLEY  
XHIDRA  
YUNGA  
ZAMUDIO  
ZAPATA  
ZEAS  
ZHININ  
ZUMBA